

§ 1481.6

7 CFR Ch. XIV (1-1-03 Edition)

§ 1481.6 Availability of funds.

The total available program funds shall not exceed \$20 million as provided by section 843, as amended, of Public Law 106-387.

§ 1481.7 Rate of payment and limitations on funding.

(a) Subject to the availability of funds, payments under this part may be made to members who suffered eligible 2000-crop year financial losses, because of the insolvency of TVG. Information that was provided to FSA by TVG will be preprinted on the application form, CCC-870. Payments will be calculated after the conclusion of the application period, and shall be made in an amount determined by:

(1) Having the member verify the eligible contracted commodities, the original dollar amount expected from TVG (calculated from TVG's final base price per commodity and the producer's contract production per commodity). The final base prices are fixed and no other price will be used to calculate the payments. The final base prices per ton to be used are \$330 for apricots, \$233 for yellow cling peaches, \$243 for pears, and \$48.50 for tomatoes. Contract production, final base price data and payments made to members of TVG for their 2000 crop year contract have been obtained from TVG.

(2) Having the member verify the dollar amount received from TVG and the dollar amount received from any other source for the production that was under contract for the 2000 crop year with TVG.

(3) Once the member verifies the relevant dollar amounts, FSA will calculate payments to individual members. Payments will be calculated by subtracting both the dollar amount received from TVG and the dollar amount received from any other source from the original dollar amount expected from TVG (calculated from TVG's final base price per commodity and the producer's contract production per commodity) on the contracted commodities. The difference will be considered to be the member's gross total loss for program purposes.

(4) The gross payment amount for the producer shall not exceed 50 percent of the member's gross total loss (author-

ized by the Act). At the close of the application period, if necessary, a uniform payment factor will be established so that total outlays will not exceed the \$20 million in funds available under this program. The uniform payment factor will be determined based on the factoring of the available funds of \$20 million divided by the total eligible losses suffered.

(b) [Reserved]

§ 1481.8 Offsets.

(a) Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against the member, the member's commodity, or proceeds thereof, in favor of the producer or any other creditors, including agencies of the U.S. Government.

(b) The regulations governing offsets and withholdings found at 7 CFR part 1403 shall not be applicable to this part.

(c) Any payments received by a member of TVG are not subject to assignments, administrative offsets or withholdings, including administrative offset under chapter 37 of title 31, United States Code, as provided by P.L. 106-387.

§ 1481.9 Appeals.

Any member who is dissatisfied with a determination made pursuant to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at 7 CFR parts 11 and 780.

§ 1481.10 Misrepresentation.

(a) Whoever issues a false document or otherwise acts in violation of the provisions of this program so as to enable a member to obtain a payment to which such member is not entitled, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action.

(b) The issuance of, or assistance in the issuance of, a false document or the making of, or assistance in the making of, a false statement in an application for payment or other document, for the purpose of enabling a person to obtain a payment to which such person is not